

REMARKS

In response to the above-identified Office Action, the Applicant respectfully requests reconsideration in view of the following remarks. The Applicant cancels all previously pending claims and adds new claims 108-205. Because all previously submitted claims have been cancelled, the rejections of those claims and basis for such rejections are now moot.

I. Interview Summary

On February 7, 2007, the Applicant's attorney conducted an interview with the Examiner to discuss a proposed claim that generally corresponds to new claim 108. The Examiner indicated that he did not believe the proposed claim was allowable despite similarities with allowed claims from related applications, because U.S. Patent No. 6,858,525 had not been considered in those related applications, as it was not prior art in relation to those applications. No agreement was reached in the interview.

II. New Claims

Applicant believes that the newly submitted claims are not taught or suggested by the previously cited references including U.S. Patent No. 6,571,279 issued to Herz et al ("Herz") and U.S. Patent No. 6,858,525 issued to Szabo ("Szabo").

In regard to independent claims 108 and 132, these claims include the elements of "displaying content via an internet that is associated with the advertisement, any one of the content or the advertisement *formatted for navigation with unique inputs*" (emphasis added). The Applicant has reviewed Herz and Szabo, but has been unable to discern any portion therein that teaches or suggests these elements. Herz discloses a system that is displayed to a user without a navigation interface and thus the content and advertisements are not formatted to be navigated in any manner. Herz, col. 10, l. 52 – col. 11, l. 10. The interface of Szabo is designed

to be used in the context of a home or work computer, where the standard input devices are a keyboard and mouse, which are sources of non-unique inputs. Szabo, col. 1, ll. 1-9 and ll. 47-65. Thus, the Applicant has been unable to discern any section of either reference that discloses these elements of claims 108 and 132.

In regard to claims 108, 132, 156 and 181, these claims include the elements of “receiving a plurality of bids to display advertising in association with a keyword” or similar element. The Applicant does not believe either of these references discloses these elements of the independent claims. Rather, Herz explicitly teaches away from receiving bids to associate an advertisement with a keyword. Herz discloses that “each advertiser ‘bids’ for the current user profile,” which is not a keyword. Herz, col. 5, ll. 27 and 28. Szabo does not cure this defect of Herz. The Applicant has been unable to discern any part of Szabo that discloses any bidding system for advertisers.

Further, the Applicant does not believe that the combination of Herz and Szabo is proper. The Examiner now asserts that it would have been obvious to one of ordinary skill in the art to combine Herz with Szabo because “a hierarchical navigation search interface makes large quantities of information understandable” and “it is especially useful for targeted advertising.” However, the Examiner has not shown that Herz in any embodiment attempts to provide large quantities of information to a user. The discussion of targeted advertising in Szabo relied upon by the Examiner does not appear to disclose any benefit related to the use of its navigation interface for targeted advertising. Rather, the section discusses a separate system of targeted advertising and the benefits of targeted advertising generally. Thus, Szabo does not teach or suggest the combination of its navigation system for purposes of benefiting targeted advertising.

It is not sufficient to merely show that it is possible to combine its navigation system with targeted advertising. See MPEP § 2143.01 (III).

Further, one of ordinary skill in the art would not think to combine the teachings of Herz with Szabo, because the teachings of Herz that the Examiner seeks to combine with Szabo require the addition of an elaborate tracking technology to determine the location of individuals that the content is targeted toward and would be inappropriate for use in the context of Szabo, which is directed towards graphic user interfaces and information retrieval systems such as search engines, which one of ordinary skill in the art would understand are typically used in home or work spaces where such tracking systems would not be appropriate. See generally, Szabo col. 1, ll. 1-9 and ll. 47-65.

The system of Herz relies on each targeted individual to have a “beacon” or similar tracking device *and* a sensor system to detect the tracking device. See for example, col. 6, ll. 34-47 and ll. 53-60. The addition of such an elaborate user detection system changes the fundamental operating principle of Szabo which is predicated on the conventional use of home and work computers where an individual is accessing a search engine. See MPEP § 2143.02 (IV) The Proposed Modification Cannot Change The Principle of Operation of a Reference. The Examiner has missed the point of the Applicant’s argument in arguing “Herz et al. teaches a variety of means for determining the user’s location, including cell phone tracking.” See, Office Action, paragraph 14. Any of these location tracking systems disclosed by Herz are incompatible with the conventional home and work computer-based system of Szabo.

No one skilled in the art would combine these references as proposed by the Examiner. The computer interface system of Szabo is predicated on the interactive navigation of large amounts of information in a traditional computer system setting. See Abstract Szabo. Herz

requires location information from user terminals that track a user position in the real world. Herz col. 1, ll. 46-64. Herz discloses only a passive display of information. Herz, col. 10, l. 52 – col. 11, l. 10. Thus, it is nonsensical to provide a navigation interface to a system with no means or need for interaction, much less a navigation system that is designed for a conventional computer paradigm and not designed for any of the embodiments disclosed by Herz. Therefore, the Applicant believes that the Examiner cannot properly combine Herz and Szabo to teach the elements of the new claims.

In regard to claims 109-131, 133-155, 157-180 and 182-205 these claims depend from independent claims 108, 132, 156 and 181, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 108, 132, 156 and 181 these claims are not obvious over Szabo in view of Herz.


CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 108-205 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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2/14/07
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